IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP No. 20626 of 2007

Between :

J.Viswanatha Reddy,
Licencee of M/s. Viswam Wines,
A-4 Shop at Yellatur, Pendlimarri
Mandal, Kadapa District .. Petitioner

And

The Government of A.P. rep. By
Its Secretary, Revenue (Excise)
Department, Secretariat, Hyderabad
along with five others .. Respondents

Dated : 28th September 2007

JUDGMENT :

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents. With the consent of both the parties, the writ petition itself was heard finally and disposed of at the admission stage.

The writ petitioner was a licencee vide licence bearing No.117/2006-08 for running a retail liquor vend. The licence was granted in his favour to run his shop at the A-4 Shop at Yellatur, Pendlimarri Mandal, Kadapa District. However, on the ground that 77 cartons of spurious liquor bottles of Bagpiper Whisky (each 180 ml)

totally 3693 bottles were available for sale at the licenced premises, the licence was suspended by the Prohibition and Excise Superintendent, Kadapa through his proceedings dated 27.1.2007, and even though an explanation is filed on 6.2.2007 and a request made to drop further action, the 4th respondent vide proceedings in Rc.No.B2/704/2006, dated 23.2.2007 cancelled the licence granted in favour of the petitioner. Then an appeal preferred there against to the Deputy Commissioner of Prohibition and Excise has been dismissed through his proceedings dated 1.3.2007 vide his order Rc No.B/60/2007. Against the same, the petitioner has filed further appeal before the Commissioner of Prohibition and Excise and the same was dismissed by an order dated 7.5.2007. Immediately, the writ petitioner had preferred a revision to the State Government in terms of Section 64 of the A.P.Excise Act on 09.05.2007 and along with the revision, a stay petition is also moved. But, however, no orders have been passed by the State Government so far. The matter is obviously receiving the attention of the State Government. In the mean time, the District Collector and Magistrate, Kadapa, has published a notification dated 23.9.2007 proposing to conduct auction on 1.10.2007 for the period from 1.11.2007 to 30.6.2008 i.e., for the balance unexpired licence period. The learned counsel for the petitioner would urge that if ultimately the State Government was to allow his revision, he will be entitled to carry on his trade in accordance with the licence granted in his favour and in the mean time any auction was to be conducted unnecessarily third party interests would creep in and would create problem in not being able to carry on his business at Yellatur village,

Pendimarri Mandal, Kadapa District in terms of the licence granted at a later point of time.

I see considerable force in the submission made by the writ petitioner. Since the revision preferred by the writ petitioner is a remedy available to him in accordance with Section 64 of the A.P. Excise Act, it is only appropriate that the State Government would decide the same at the earliest, at any rate, within a period of two months from today after putting the petitioner on notice. Till such time, the liquor vend at Yellatur village, Pendimarri Mandal, Kadapa District be not put to auction, if the revision preferred by the writ petitioner on 9th May, 2007 is not yet disposed of. With this writ petition stands disposed of.

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knk/mrk 28.09.2007

Note :
Operative portion by wire at party's costs

(b/o)

knk